

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

VICTOR DIAZ,

Plaintiff,

v.

Case No. 2:05-cv-239
HON. ROBERT HOLMES BELL

LYLE RUTTER, et al.,

Defendants.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on August 22, 2007. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that there exists a genuine issue of material fact and objects to the entire Report and Recommendation. Plaintiff has failed to rebut defendants' motion and show that his constitutional rights were violated.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #83) is approved and adopted as the opinion of the Court.

Dated: September 7, 2007

/s/ Robert Holmes Bell

ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE